

DAVID SCHWARTZ***
ROBERT RIMBERG**
KATHRYN LEE BOYD*
LIDELL PAGE

SCHWARTZ RIMBERG, LLP
6310 SAN VICENTE BOULEVARD
SUITE 360
LOS ANGELES, CALIFORNIA 90048

ROBERT E. ALLEN, OF COUNSEL
DARCY HARRIS, OF COUNSEL
PROF. MICHAEL J. BAZYLER,
OF COUNSEL

JEFF NEIDERMAN, ASSOCIATE
RAJKA L. SHAH, ASSOCIATE
SHERLI SHAMTOUB, ASSOCIATE*
KRISTEN L. NELSON, ASSOCIATE

TELEPHONE (323) 302-9488
FACSIMILE (323) 931-4990

*Also Admitted in NY
**Admitted only in NY
***Also Admitted in NY and NJ

October 29, 2014

VIA HAND DELIVERY

The Honorable Lewis A. Kaplan
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: *Chevron Corp. v. Donziger, et al.*, Case No. 11 Civ. 0691 (LAK)

Dear Judge Kaplan:

We write as counsel for the Proposed Huaorani Intervenors in the above-entitled action. Proposed Huaorani Intervenors are forty-two (42) members of the Huaorani people, an indigenous people and minority group in the Amazon region in Ecuador who sought to intervene before the district court in this case in November 2012.¹ See Docket Entry (“DE”) 645, 646, 647-1 and related documents. More specifically, the Proposed Huaorani Intervenors sought to intervene pursuant to Federal Rule Civil Procedure 24, in order to protect their interests in the Lago Agrio Judgment, as well as to bring cross-claims against Defendant-Appellant Donziger and his co-Defendant Frente de Defensa de la Amazonia a/k/a Amazon Defense Front (“ADF”) for declaratory relief, breach of fiduciary duties, accounting, constructive trust, and unjust enrichment. See *Id.* The Proposed Huaorani Intervenors’ motion was denied by the district court on January 14, 2013. See DE 724.

¹ The Proposed Huaorani Intervenors are identified as follows: Kemperi Baihua Huani, Ahua Baihua Caiga, Pentibo Baihua Miipo, Daboto Tega Huani, Ahuame Huani Baihua, Apra Quemperi Yate, Bai Baihua Miipo, Bebanca Tega Huani, Comita Huani Yate, Cope Tega Huani, Ehuenguinto Tega, Gaware Tega Huani, Martin Baihua Miipo, Mencay Baihua Tega, Meñemo Huani Baihua, Miipo Yatehue Kemperi, Miñihua Huani Yate, Ñama Baihua Huani, Namo Huani Yate, Omari Apica Huani, Omene Baihua Huani, Yehua Tega Huani, Wagui Coba Huani, Weica Apica Huani, Tepaa Quimontari Waiwa, Nenquimo Nenquimo Venancio Nihua, Compa Guiquita, Conta Nenquimo Quimontari, Daniel Ehuengei, Nantoqui Nenquimo, Okata Quipa Nihua, Cai Baihua Quemperi, Omayihue Baihua, Tapare Ahua Yete, Teweyene Luciana Ñama Tega, Abamo Omene, Onenca Enomenga, Pego Enomenga, Wane Ima, Wiña Enomenga, Cahuiya Omaca and Mima Yeti

The Honorable Lewis A. Kaplan
October 29, 2014
Page 2

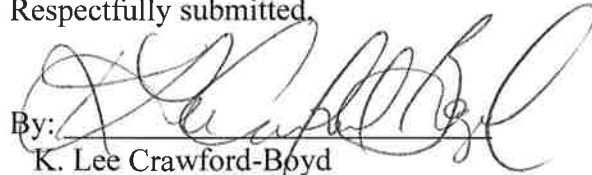
As your Honor is aware, in March 2014, Defendants-Appellants Hugo Gerardo Camacho Naranjo and Javier Piaguaje Payaguaje (the "LAP Representatives"), and Steven Donziger, The Law Offices of Steven R. Donziger, and Donziger & Associates, PLLC (together, "Donziger") appealed the district court's March 2014 order finding that Donziger had used "corrupt means," including "coercion, bribery, money laundering and other misconduct," to obtain the Lago Agrio Judgment (the "Appeal"). The Appeal is currently pending before the U.S. Court of Appeals for the Second Circuit (the "Second Circuit").

It has come to our attention that the Proposed Huaorani Intervenors are erroneously listed on the docket of the Appeal as "Defendants." Such designation apparently reflects purely clerical notations resulting from the Proposed Huaorani Intervenors unsuccessful motion to intervene in the district court proceedings. Given the fact that the Proposed Huaorani Intervenors are not Defendants in this action, the Proposed Huaorani Intervenors do not wish to be identified as Defendants in the above-matter.

Accordingly, the Proposed Huaorani Intervenors respectfully write to request that the caption in the district court proceedings be amended to remove the Proposed Huaorani Intervenors as "Defendants."² The Proposed Huaorani Intervenors further request that an amended caption be submitted to the Second Circuit reflecting the removal of the Proposed Huaorani Intervenors as a party in the above-entitled action.

We appreciate your Honor's consideration in this matter.

Respectfully submitted,

By: 

K. Lee Crawford-Boyd
SCHWARTZ RIMBERG, LLP
6310 San Vicente Boulevard, Suite 360
Los Angeles, California 90048
Telephone: (323) 302-9488

Judith Kimerling
23 Waverly Place, #4-F
New York, New York 10003
Telephone: (212) 777-2135

Cc: All Counsel of Record

² In response to our inquiry regarding amending or correcting the caption, both a docketing clerk at the Second Circuit, as well as a clerk for the Southern District of New York, advised us that the party information for the Appeal docket comes directly from the district court and that any request to amend the docket and create a new index must be made directly with the district court.